

FILED: October 21, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-1418  
(EPA-R03-OAR-2021-0873)

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STATE OF WEST VIRGINIA

Petitioner

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; MICHAEL  
S. REGAN, Administrator, United States Environmental Protection Agency

Respondents

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APPALACHIAN MOUNTAIN CLUB; SIERRA CLUB; ENVIRONMENTAL  
DEFENSE FUND; NEW YORK; CONNECTICUT; ILLINOIS; MARYLAND;  
MASSACHUSETTS; NEW JERSEY; PENNSYLVANIA; WISCONSIN;  
DISTRICT OF COLUMBIA; HARRIS COUNTY, TEXAS; CITY OF NEW  
YORK

Amici Supporting Respondents

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O R D E R

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The Supreme Court, by order dated October 21, 2024, granted certiorari in  
Oklahoma et al. v. EPA, No. 23-1067, and Pacific Corporation et al. v. EPA, No.

23- 1068, and consolidated the two cases to answer the question “Whether the Environmental Protection Agency’s disapproval of a State Implementation Plan may only be challenged in the D.C. Circuit under 42 U.S.C. § 7607(b)(1) if EPA packages that disapproval with disapprovals of other States’ SIPs and purports to use a consistent method in evaluating the state-specific determinations in those SIPs.” Since the answer to that question will determine the proper venue of this appeal, which remains an issue, we remove this appeal from the oral argument calendar for October 30, 2024, and postpone argument until the Supreme Court decides the venue question.

For the Court

/s/ Nwamaka Anowi, Clerk